

What happens after three years here? 22/07/2003 00:00

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Several companies have employed me in the Netherlands over the last three years. I'm South African and my residence permit is up for an extension. I understand there is some sort of special arrangement after three years?

The answer to this one is fairly complicated because the rules governing employment of certain aliens in the Netherlands and residency regulations apply.

Expatriates are only human and will change jobs and employers if a good opportunity arises. But from a legal view point the expatriate should be aware of the following.

In my last column I stressed that a Dutch work permit is exclusively linked to a specific employer. If an expatriate is offered a new job, the prospective new employer should obtain a work permit before commencement of the expatriates' services. Employing without a work permit is punishable by law.

In your case, the ideal situation would be that your employment in the Netherlands is completely covered by a string of different work permits. In other words, all your consecutive employers should have applied for and obtained the correct Dutch work permits.

Why is this so important? For starters, your residence permit is usually based on the availability of a valid work permit. At the first extension request, the Aliens Police will check whether or not a work permit is secured for the services involved. In general, the first extension of a residence permit will not be granted without sufficient proof of a valid work permit.

Secondly, as an expatriate you may be required to inform Aliens Police on interim changes related to your employment situation. Failing to do so may have serious consequences for continued residency in the Netherlands.

After working and living in the Netherlands for three years, the legal situation regarding further extension of residence permits, and the necessity of work permits, changes considerably. A work permit is no longer required for an expatriate who has resided in the Netherlands for an uninterrupted three-year period whilst holding a work-based residence permit. The expatriate must furthermore keep his or her permanent place of residence in the Netherlands.

In substantiating legal employment in the Netherlands for three years, the expatriate is eligible for a special annotation on the back of his or her extended residence permit stating that working without a work permit is allowed. The expatriate may now follow up on every job opportunity without having to hassle a prospective employer on the work permit requirement.

It is important that the three-year period is continuous and not interrupted. If an expatriate was employed by Company X for 16 months and is then offered another job with Company Y, it is best to have the validity periods of the work permits constitute a continuous timeline. In that way you are least likely to run into problems with regard to the three-year period requirement.

Patrick Rovers, 5 September 2001

This column is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch rules and regulations regarding aliens, work permits, and residence permits/MVV's are continuously subject to change.